

FILED 1st JUDICIAL DISTRICT COURT  
 Santa Fe County  
 10/11/2021 5:24 PM  
 KATHLEEN VIGIL CLERK OF THE COURT  
 Maria Sisneros

SUMMONS	
<i>District Court:</i> <b>FIRST JUDICIAL DISTRICT</b> <i>Court Address:</i> <b>P.O. Box 2268</b> <b>Santa Fe, NM 87504-2268</b> <i>Court Telephone:</i> <b>(505) 455-8250</b>	Case Number: D-101-CV-2021-01717  Assigned Judge:  <b>Hon. Kathleen McGarry Ellenwood</b>
Plaintiff: Joseph Roybal  v.  Defendants: Darden Restaurants, Inc., and Darden Concepts, Inc.	Defendant(s):  <b><i>Darden Restaurants, Inc.</i></b> <b><i>c/o Registered Agent, Corporation Creations</i></b> <b><i>Network, Inc.</i></b> 400 N. Pennsylvania Ave., #600 Roswell, NM 88201

**TO THE ABOVE-NAMED DEFENDANTS:** Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA.) The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066

Dated at Santa Fe, New Mexico on August 5th, 2021.

CLERK OF COURT

Kathleen Vigil

BY:

Corinne S. Onate



Respectfully submitted,

GADDY LAW FIRM

/s/ Brian Gaddy

Brian Gaddy

Attorney for Plaintiff

4420 Prospect Ave. NE

Albuquerque, NM 87110

Phone: (505) 254-9090

Fax: (505) 273-7943

brian@gaddyfirm.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 NMRA OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

## RETURN

STATE OF NEW MEXICO )

)ss

COUNTY OF Chavez )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Chavez county on the 15<sup>th</sup> day of October, 2021, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

(check one box and fill in appropriate blanks)

☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☒ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service). Via Certified mail return Receipt Requested.

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_, (title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \$7.53

Marcia S. Trachsel  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this 11 day of October, 2021.

Arthur A. Gonzales  
Judge, notary or other officer  
authorized to administer oaths

Notary  
Official title



USE NOTE

1. Unless otherwise ordered by the court, this return is not to be filed with the court prior to service of the summons and complaint on the defendant.
2. If service is made by the sheriff or a deputy sheriff of a New Mexico county, the signature of the sheriff or deputy sheriff need not be notarized.

[Adopted effective August 1, 1988; as amended by Supreme Court Order 05-8300-01, effective March 1, 2005; by Supreme Court Order 07-8300-16, effective August 1, 2007; by Supreme Court Order No. 12-8300-026, effective for all cases filed or pending on or after January 7, 2013; as amended by Supreme Court Order No. 13-8300-022, effective for all cases pending or filed on or after December 31, 2013; as amended by Supreme Court Order No. 14-8300-017, effective for all cases pending or filed on or after December 31, 2014.]

7020 1810 0002 2784 7142

## CERTIFIED MAIL RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

## OFFICIAL USE

Certified Mail Fee  
\$ 3.75

Extra Services &amp; Fees (check box, add fee as appropriate)

☒ Return Receipt (hardcopy) \$ 3.05☐ Return Receipt (electronic) \$☐ Certified Mail Restricted Delivery \$☐ Adult Signature Required \$☐ Adult Signature Restricted Delivery \$Postage  
\$ 0.73Total Postage and Fees  
\$ 7.53Postmark  
Here

9/28/21

Sent To: Darden Restaurants, Inc. 9 Regal Blvd Cape Fear  
 Street and Apt. No., or PO Box No.  
 400 N. Pennsylvania Ave #600  
 Raleigh, NC 27601 (R. Joseph Poybal)

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

## SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: Darden Restaurants, Inc.  
 90 Registered Agent, Corporation  
 Creations Network, Inc.  
 400 N. Pennsylvania Ave #600  
 Raleigh, NC 27601



9590 9402 6713 1060 2289 74

2. Article Number (Transfer from service label)

7020 1810 0002 2784 7142

PS Form 3811, July 2020 PSN 7530-02-000-9055

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

X P. J. Poybal

☐ Agent☐ Addressee

B. Received by (Printed Name)

LOUIS 19

C. Date of Delivery

10/1/21

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature☐ Adult Signature Restricted Delivery☒ Certified Mail®☐ Certified Mail Restricted Delivery☐ Collect on Delivery☐ Collect on Delivery Restricted Delivery☐ Insured Mail☐ Registered Mail Restricted Delivery☐ Registered Mail☐ Priority Mail Express®☐ Registered Mail™☐ Registered Mail Restricted

Delivery

☐ Signature Confirmation™☐ Signature Confirmation

Restricted Delivery

Domestic Return Receipt





FAQs >

Track Another Package +

Tracking Number: 70201810000227847142

Remove X

Your item was delivered to the front desk, reception area, or mail room at 10:51 am on October 1, 2021 in ROSWELL, NM 88201.

## Delivered, Front Desk/Reception/Mail Room

October 1, 2021 at 10:51 am  
ROSWELL, NM 88201

Feedback

Get Updates ✓

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Text & Email Updates



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Tracking History



October 1, 2021, 10:51 am

Delivered, Front Desk/Reception/Mail Room  
ROSWELL, NM 88201

Your item was delivered to the front desk, reception area, or mail room at 10:51 am on October 1, 2021 in ROSWELL, NM 88201.

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October 1, 2021, 6:36 am

Out for Delivery  
ROSWELL, NM 88203

October 1, 2021, 6:25 am

Arrived at Post Office

ROSWELL, NM 88203

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**Product Information**

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**See Less** 

## **Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

Feedback